

**BOARD OF BARBERING AND COSMETOLOGY**

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**Board of Barbering and Cosmetology
San Francisco Civic Center
Hiram Johnson Building
455 Golden Gate Avenue
Auditorium
San Francisco, CA**

MINUTES OF APRIL 19, 2004**BOARD MEMBERS PRESENT:**

*Dr. Della Condon, President
Joe Gonzalez, Vice President
Richard Hedges, Public Member
Kim McInnes, Public Member*

STAFF MEMBERS PRESENT:

*Terri Ciau, Executive Officer
Albert Balingit, Staff Counsel
Kristy Underwood*

♦ Agenda Item #1, CALL TO ORDER

President Condon called the meeting to order at 9:00 a.m. Members introduced themselves and briefly described their backgrounds and professions. There was no quorum.

♦ Agenda Item #2, PRESIDENT'S REPORT

President Condon opened the meeting with introducing the Board's Executive Officer, Ms. Terri Ciau.

President Condon announced that because the Board did not have a quorum, all votes will be deferred to the next meeting for a vote by the full Board.

President Condon shared that she met with the new Director of Consumer Affairs, Ms. Charlene Zettel, and found Ms. Zettel to be very knowledgeable about the Board's issues and concerns. Ms. Zettel expressed a great sense of caring about public safety and the well-being of the industry.

President Condon shared her thoughts on individual responsibility to report unlicensed practitioners. Unlicensed practice is one of the most serious issues that the Board faces in this industry and lowers the confidence in the licensees.

♦ Agenda Item #3, EXECUTIVE OFFICER'S REPORT

Ms. Ciau scheduled strategic planning sessions for the Board on June 20 & 21, 2004, in Sacramento.

The Board was approved by the Governor's Office to hire 52 temporary employees through June 30, 2004. Some of the new staff will assist in licensing, cashiering and mailroom duties.

As a result of this increase in staff, it is the hope of the Board that the telephone center will be open eight hours a day, five days a week. In addition, Expert Examiners are currently being recruited to help with administering practical exams for the Fairfield facility. The Board is also looking at contracting with community colleges to administer practical exams on Saturdays throughout the months of May and June.

Due to the short period of time the Board has temporary help, it will be difficult to recruit for temporary Inspectors. However, permanent Inspectors have been approved to work weekends, evenings and overtime; but none have requested these additional hours.

The Board has established a format to collect statistics on pre-apps, regular and out of state applicants, which has never been done before at the Board.

The Board is scheduled to "meet and greet" with Legislative Business and Professions Committee Chairs on May 4th. The "meet and greet" will be at 2:30pm with Assembly Member Correa and 2:00pm with Senator Figueroa.

♦ **DISCIPLINARY REVIEW COMMITTEE (The President asked for comments from the other Board Members)**

Mr. Gonzalez was voted Chair of the Disciplinary Review Committee (DRC). Mr. Gonzalez reported that there was a huge turnout of people who wanted to plead their cases at the last DRC Committee meeting. The Committee heard 65 cases that involved disciplinary citations for unsanitary practices or unlicensed practices. There are approximately 1,600 cases still waiting to be heard.

Licensure and sanitation issues seem to be the majority of cases for the DRC. Most of the decisions made by the Inspectors were upheld by the DRC.

The committee voted that no one would be written up for having the word H2O labeled on water bottles. It's common knowledge that H2O means the same as water.

It was noted that the Board must allow 60 days prior to having a hearing, to allow DCA staff to schedule a facility and draft a contract for the DRC meetings.

♦ **Agenda Item #4, LEGISLATION AND REGULATIONS**

Ms. Ciau gave an overview of AB 320, saying that there cannot be a provision in the settlement that prohibits a plaintiff from subsequently contacting, filing a complaint, or cooperating with the Department of Consumer Affairs or that requires a plaintiff to withdraw a complaint from the Department. This bill protects the licensee who could possibly be settling something like a malpractice lawsuit. Because the Committee did not have a quorum, they agreed to support the Bill and defer to the next meeting for a vote of the full Board.

Ms. Ciau gave an overview of AB 2168, which extends the Instructors licenses to January 1, 2006, in order to provide the Board with an opportunity to take public comments throughout the year to determine whether or not this particular license should be continued. There was a technical error last year in SB 362, which wiped out the Board's ability to collect license fees for

the Instructors licenses effective January 1, 2005. AB 2168 reestablishes the authority for the Board to collect the fee.

Because the Committee did not have a quorum, they voted to support the Bill and will refer to the next meeting for a vote of the full Board.

Ms. Ciau gave an overview of AB 2449, which was passed two years ago but not yet implemented. However, the Board has already set up a format to collect the data on the renewal forms. The determination is now being made about how the data will be collected and what format will be best utilized for research purposes.

Ms. Ciau gave an overview of part of SB 362, which addresses out-of-state licensees. Data indicates that of the Cosmetologists from out-of-state that have taken the exam, only 980 passed. This means only 42% of out of state applicants are passing our licensing exam.

Language for regulations will be redrafted and brought to the Board at a future meeting.

♦ **Agenda Item #5, BACKGROUND AND OTHER INFORMATION ON PHOTO LICENSES**

The Experior contract expires November 2004. Staff is researching other vendors who provide the same or more services at a competitive cost. Staff will invite interested vendors to present information on their companies' services at a future Board meeting.

A service that the Board is particularly interested in is the ability to provide licenses with accompanying photographs.

A Budget Change Proposal (BCP) was submitted to give the Board the authority to charge for a photo license because the Board currently absorbs this cost as part of the initial license fee. However, this BCP was denied.

SB 362 gives the Board authority to look at all operations and to study bringing the fees in line with the costs of operating the Board.

♦ **Agenda Item #6, STATUS OF THE SOUTHERN CALIFORNIA EXAMINATION FACILITY -
- GLENDALE**

The projected date to move into the new Glendale facility is May 15, 2004. Practical exams only will be administered starting May 15, 2005. June 1, 2004 is the anticipated date to start same day licensure and to administer written and practical exams.

Ms. Ciau will look into the possibility of creating a survey for students to determine if any are experiencing parking or security problems at the new site.

♦ **Agenda Item #7, STATUS OF THE SOUTHERN CALIFORNIA EXAMINATION FACILITY
WILSHIRE**

At the March Board meeting, background on the existing lease and some issues that were raised by the Department of General Services were presented. Board members inquired about

who reviews and checks the facility. It was determined that the Department of General Services oversees all these functions.

♦ **Agenda Item #8, DATA REQUEST TO CONDUCT A HEALTH SURVEILLANCE SURVEY**

Ms. Peggy Mills and Ms. Kim Wachs of the Environmental Health Investigations Branch, within the Department of Health Services (DHS), did a presentation on The Health Surveillance Study among people in Cosmetology within California. Ms. Mills explained that DHS is mandated to conduct studies of the health of Californians, particularly where there are concerns about various kinds of toxins or exposures. Ms. Mills requested that the Board provide data on all the licensees to help conduct a study among female Cosmetology workers within California. The survey will compare the rates of cancer, adverse outcomes, and hospitalization among these workers to the statewide rates. The purpose of this study is to address a growing public health concern for Cosmetologists who are exposed to and handle both high and low doses of chemicals, some that are known to be allergen and carcinogens.

There has been public concern with some of the community advocacy groups, particularly the ones that focus on Asian and Pacific Islander issues. There has not been a lot of health research done around these workers in the last two decades, particularly the Vietnamese workers in the nail salons. As a population, this group has been generally understudied with respect to health status.

The DHS proposal is to take the data of the licensee population and compare to statewide registries to look at certain health outcomes. Of particular interest is cancer, where the study would link to a California Chemical Registry. The study would also link to a statewide health and birth defect registry, which collect cases in certain counties throughout the state. Another scope of the survey would include obtaining personal information such as: name, address, date of birth, Social Security number, which would be linked to the statewide health registry in order to create a match. This confidential information will only be used for the record linkage itself and to the health outcome data files. There would be no release of any of the information to any public or outside organizations.

The DHS has well established procedures in dealing with sensitive information such as this survey. This study would help DHS determine whether there are increased rates of adverse health outcomes of interest for the Cosmetology workers, and if there is a need to conduct in-depth studies and to investigate the health risk among these workers. This preliminary study would help plan for more effective intervention with the workers and include target health education on cancer screening, prenatal care and other types of early intervention. It would also help in identifying language and other types of barriers, which are relevant to the worker's health and safety.

DHS and DCA lawyers are currently discussing the preservation of confidentiality of personal identifiers and particularly Social Security numbers.

The Board agreed to support the DHS study but will wait until the next meeting when the full Board is present to make a formal vote of support.

♦ **Agenda Item #9, PUBLIC COMMENTS**

President Condon opened the meeting for public comments.

Mr. Tyler, Carlton Hair, commented on SB 362, and stated the intent of the bill was to put already licensed professionals to work and at the same time protect the public. He found that a majority of states have different mechanisms of protections so that they can identify work experience. However, in most states they do a written exam only because those states have such high hour requirements.

Mr. Tyler also discussed the Apprentice program and how a person could not pre-apply for the test the same as Cosmetology students.

President Condon suggested that the Board look into this program at the June meeting and allow people involved in the Apprenticeship program to express their concerns.

Mr. Jim Edwards, representing the Professional Beauty Federation and the School Owners Association, wanted to express their total support of the Board and the work they are doing. In addition, Mr. Edwards shared that the students at some of the schools have indicated they feel mistreated by the Board. Mr. Edwards continued to share that the schools would like to return to aggregate scoring. The final issue raised by Mr. Edwards was the relevance associated with the exam and the rise in unlicensed activity.

Ms. Plio, Skyline Community Colleges, stated one of the biggest problems right now is that the textbooks that schools are using to teach their students are inconsistent and sometimes incorrect. What's in a 1999 textbook on aromatherapy is not necessarily in the 2003 textbook.

Ms. McDonough, from Santa Monica Community College commented that she has experienced seeing inaccurate information on the Board's website. She asked for suggestions on how to obtain correct information from the Board. Ms. McDonough commented that is very difficult getting through to anyone at the Board. Ms. Cia responded that she would look into this and correct if necessary.

Mr. Gertz requested that the Apprentice program get information in a timely manner so that they can work with a lot of the apprenticeship candidates.

◆ **Agenda Item #10, AGENDA ITEMS FOR NEXT MEETING**

The Board members discussed topics for the next meeting agenda, and the meeting was adjourned for the Board to address disciplinary decisions in closed session.

Meeting was adjourned at approximately 2:30 p.m.